

State of South Dakota

SEVENTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2004

229J0112

SENATE JUDICIARY COMMITTEE ENGROSSED NO. **HB 1203** - 02/11/2004

Introduced by: Representatives O'Brien, Haverly, Hennies, Kraus, McCaulley, Michels, Murschel, Sebert, and Smidt and Senators Abdallah, Bogue, Brown, de Hueck, Diedrich (Larry), Duniphan, and Schoenbeck

1 FOR AN ACT ENTITLED, An Act to revise certain provisions regarding threats upon law
2 enforcement officers and their families.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 22-11-15.1 be amended to read as follows:

5 22-11-15.1. Any person who knowingly and intentionally deposits for conveyance in the
6 mail or for a delivery from any post office or by any messenger, any letter, paper, writing, print,
7 or document containing any threat to take the life of or to inflict serious bodily harm upon a law
8 enforcement officer of the state or a member of ~~his~~ the officer's immediate family is guilty of
9 a Class 5 felony. However, if any such threat is made which otherwise would constitute a
10 violation of § 22-11-4 or 22-18-1.1, the provisions of such sections ~~shall be~~ are controlling and
11 the penalties provided ~~therein shall~~ in § 22-11-4 or 22-18-1.1 apply.

12 Section 2. That chapter 22-11 be amended by adding thereto a NEW SECTION to read as
13 follows:

14 Any person who knowingly and intentionally communicates any threat not subject to § 22-



1 11-15.1 to take the life of or to inflict serious bodily harm upon a law enforcement officer of the
2 state or a member of the officer's immediate family, is guilty of a Class 1 misdemeanor.
3 However, if any such threat is made which otherwise would constitute a violation of § 22-11-4
4 or 22-18-1.1, the provisions of such sections are controlling and the penalties provided in § 22-
5 11-4 or 22-18-1.1 apply.